

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JEFFREY M. GOEKEN,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

8:18CV320

**ORDER TO SHOW CAUSE**

[Federal Rule of Civil Procedure 4\(m\)](#) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” [Fed. R. Civ. P. 4\(m\)](#).

Plaintiff filed the Complaint on July 7, 2018. ([Filing No. 1](#)). More than 90 days has elapsed since the Complaint was filed. Although Plaintiff requested and was issued summons, to date, Plaintiff has not filed any return of service indicating service on the defendant, a waiver of service has not been filed, and the defendant has not entered a voluntary appearance. Accordingly,

**IT IS ORDERED** that on or before **October 26, 2018**, Plaintiff shall file proof that it served the defendant within 90 days after the complaint was filed or otherwise show good cause why this court should extend the time for service for an appropriate period. Failure to comply with this order shall result in dismissal of this action pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) without further notice.

Dated this 16<sup>th</sup> day of October, 2018.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge